



# Regulatory Advisory



Posted in August 2014 and updated in May 2017

## Attention: Retailers

### **Retailers must accept all used cans from consumers whether they are empty or not**

The purpose of this advisory is to notify retailers that some retail employees may be incorrectly instructing customers to empty automotive refrigerant containers of all refrigerant prior to returning them for the refundable deposit.

### **Background**

The ARB adopted this regulation to reduce refrigerant emissions from the Do-It-Yourself recharging of motor vehicle air conditioners (MVAC) installed in light-duty vehicles such as cars and pickup trucks. The refrigerant, R-134a, used in MVACs is a highly potent greenhouse gas. This regulation became law on January 1, 2010. Although manufacturers bear the majority of the responsibility for meeting the regulatory requirements, retailers must also perform certain duties.

### **What is the issue regarding the return of the used containers?**

Recently, it has come to our attention that employees at some retailers may be telling consumers to completely empty the refrigerant from used containers of automotive refrigerant products being returned for the refundable deposit paid at purchase. This instruction may cause consumers to intentionally vent the remaining contents of the used container directly to the atmosphere in order to collect the deposit. This practice defeats the purpose of the regulation which requires the recovery of the remaining refrigerant for recycling. In addition, it is illegal to vent any refrigerant into the atmosphere.

Please direct retail employees to accept returned containers with residual refrigerant. It is illegal to release refrigerant into the atmosphere.

### **Penalties for Violations**

Penalties may be assessed for any violation of this regulation pursuant to Health and Safety Code section 38580. Each day during any portion of which a violation occurs is a separate offense. Additionally, any violation of this subarticle may be enjoined pursuant to Health and Safety Code section 41513.

### **For more information**

The regulation, fact sheets, executive orders for the certified products, report forms, and other information are available at [www.arb.ca.gov/cc/hfc-mac/hfcdiy/hfcdiy.htm](http://www.arb.ca.gov/cc/hfc-mac/hfcdiy/hfcdiy.htm).

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